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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

JACK L. EARL, JR.,

Petitioner,

vs.

CRAIG TURNBULL,

Respondent.

Case No. 3:02-cv-0224-HRH

**PETITIONER'S RESPONSE TO  
RESPONDENT'S MOTION TO ACCEPT  
OVERLENGTH OBJECTIONS**

Petitioner, Jack L. Earl, Jr., by and through counsel Mary C. Geddes, Assistant Federal Defender, hereby responds to respondent's Motion to Accept Overlength Response to Objections to Report and Recommendation, filed at Docket 108.

This court had issued an Initial Report and Recommendation at Docket 100, and allowed the parties to file Objections and Responses. Limiting the substance of his Objections to five pages in conformance with this court's order, Mr. Earl had filed a pleading which extended to six pages because of counsel's signature and certificate of service. At Docket 108, respondent has since proposed the filing of an Overlength Response which is thirteen pages, or fourteen pages counting the signature and service.

Mr. Earl does not take a position with respect to respondent's Motion to Accept, other than to state that he disagrees with its premise. Respondent offered the "compelling reason" that Earl's Objections "represent a significant violation of Local Rule 10.1(a)(1)(D)."<sup>1</sup> Docket 108 at 1.

Counsel for Mr Earl represents the following: that she prepared the pleading in a WordPerfect application and the application's display showed the size of the "Times" font was "11.1 points."<sup>2</sup> Her secretary informs her that had she instead used 12-point "proportionally-spaced font," the length of the document would be five and one-half pages (and no more than six pages including the signature and service). If there was a violation of the Rule, it was unintended.

Dated: April 15, 2008

Respectfully submitted,

FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on April 15, 2008, a copy of the foregoing document, with attachments, was served electronically on:

Kenneth M. Rosenstein, Esq.

/s/ Mary C. Geddes

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<sup>1</sup> Counsel also complains that the line spacing appears to have been reduced. Rule 10.1 allows for 1.5 line-spacing.

<sup>2</sup> Rule 10.1(a)(1)[D] states: "all printed matter appear in at least 11-point type ten-pitch (10 characters per inch) or 12-point proportionally-spaced font."